

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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UNITED STATES OF AMERICA,

Plaintiff,

v.

Juan Carlos HERNANDEZ-Valdez,

Defendant(s)

Magistrate Case No. 08 MJ 0192

BY:

DEPUTY


COMPLAINT FOR VIOLATION OF:

Title 8 U.S.C., Sec. 1324 (a)(2)(B)(iii)
Bringing in Illegal Aliens Without
Presentation

The undersigned complainant, being duly sworn, states:

On or about **January 23, 2008** within the Southern District of California, defendant **Juan Carlos HERNANDEZ-Valdez**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Brayant Fabian MARTINEZ-Escalante, Ana Maria CARAVARIN-De La Cruz, Adara LEON-Morales**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens and upon arrival did not bring and present said aliens immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 25th DAY OF JANUARY, 2008



Jan M. Adler
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:**Juan Carlos HERNANDEZ-Valdez****PROBABLE CAUSE STATEMENT**

Furthermore, the complainant states that **Brayant Fabian MARTINEZ-Escalante, Ana Maria CARAVARIN-De La Cruz, and Adara LEON-Morales** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On January 23, 2008, at approximately 6:00 P.M., Senior Patrol Agent J. Gregory was performing line-watch duties in an area known as "Crutch's Pond". This area is located approximately one mile east of the Tecate, California, Port of Entry and about two hundred yards north of the United States/Mexico International Boundary Fence. At the above mentioned time, Field Operations Supervisor O. Bourbois observed four individuals crawling northbound from the International Border near Crutch's with his infrared scope. FOS Bourbois informed Agent Gregory on where the suspected illegal immigrants were located. After about ten minutes, Agent Gregory found four subjects attempting to conceal themselves under some brush. All four subjects, including one later identified as the defendant **Juan Carlos HERNANDEZ-Valdez**, were wearing cotton cloth, also known as "booties", wrapped around their shoes. These are used to mask footprints.

Agent Gregory identified himself as a United States Border Patrol Agent and questioned the four subjects concerning their immigration status. All four subjects, including the defendant, stated that they were citizens and nationals of Mexico, illegally present in the United States. Agent Gregory did a field search on all four subjects and found a cell phone inside the pocket of the defendant. All four subjects were arrested and transported to the Tecate Processing Center for processing.

DEFENDANT STATEMENT:

The defendant was advised of his Miranda Rights which he understood and was willing to make a statement without an attorney present. The defendant stated that he was a citizen and national of Mexico without valid immigration documents to enter or remain within the United States legally. The defendant admitted that he was to be paid to smuggle aliens into the United States.

The defendant stated that he has been smuggling for a long time. The defendant stated that he has smuggled aliens into the United States approximately ten to fifteen times.